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Continued Examination after Final Rejection

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on July 13, 2010 has been entered.

Double Patenting

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

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3. Claim 12 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent 6,744,713. Although the conflicting claims are not identical, they are not patentably distinct from each other because claim 1 of the '713 patent contains all of the features of the above mentioned claim 12. For example:

(a) with respect to the present Claim 12, the claimed feature "a plurality of identical write protection information being stored in a plurality of locations in the Lead-in area" is the stored "write protection information" as claimed in Claim 1 of the '713 patent; and

(b) the DVD-R and/or DVD-RW limitation in the present Claim 12 is the "DVD specification" as claimed in Claim 1 of the '713 patent.

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Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

*A person shall be entitled to a patent unless --
(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.*

5. Claims 8-10 are rejected under 35 U.S.C. § 102(e) as being anticipated by Braithwaite et al. (U.S. Patent 5,644,444).

Regarding Claim 8, Braithwaite teaches that the storage device comprising: a recordable and/or rewritable recording medium 60 (Fig. 4) including a Lead-in area 66 (Fig. 4; column 4, lines 56-66; a Lead-out area 64 (Fig. 4); and a user data area 62 (Fig. 4); and a cartridge 24 (Fig. 2) comprising a case configured to receive the recording medium 60 (Fig. 4); wherein the recording medium 60 comprises write protection state information (column 5, lines 29-32) that is selectable between write protection states (protected mode), and the recording medium is set to a write protection state ensuring the protection of data, including the entire user data area 62 or at least a plurality of particular data files 68 (Fig. 4), recorded on the recording medium 60 from unwanted overwriting or erasing,

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when the finalization (recording is done and the medium can be ejected) for writing on the Lead-in area and the Lead-out area has been completed (Fig. 4; column 5, lines 29-37; column 6, lines 12-19), the write protection state information being stored in an area 68 separate from the Lead-in area 66 (Fig. 4) of the recording medium (Fig. 4).

Regarding Claim 9, Braithwaite further teaches that the case has a recognition switch 18 for write protection (Fig. 3; shutter is for write protection when it is not opened).

Regarding Claim 10, Braithwaite further teaches that the case does not has a recognition switch for write protection (Fig. 3; no external switch for write protection).

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Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 11 rejected under 35 U.S.C. 103(a) as being unpatentable over Braithwaite et al. (U.S. Patent 5,644,444) in view of Yonemitsu et al. (U.S. Patent 5,793,779).

Braithwaite teaches a storage device very similar to that of the instant invention as in Claim 11. However, Braithwaite does not teach that the recording medium comprises a disc satisfying a DVD-R specification.

Yonemitsu teaches a DVD recording medium having TOC data outside the Lead-in area (Fig. 5; column 4, lines 60-63).

For recording audio and video programs in an optical recording medium such as Braithwaite's, it would have been obvious to one of ordinary skill in the art to use a DVD type storage medium such as Yonemitsu's, because the DVD has a large scale of storage capacity and is readily available as the most common type of optical recording medium.

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Allowable Subject Matter

8. Claims 1-5, 7 and 13-20 are allowable over prior art.

9. The following is an Examiner's statement of reasons for the indication of allowable subject matter based on Amendment filed on July 13, 2010:

Regarding claim 1, the prior art of record considered as a whole fails to teach or fairly suggest the following underlined feature:

A write protection method for an optical disc recording and/or reproducing apparatus, the method comprising: checking write protection information stored in an RMD (Recording Management Data) field of an RMA (Recording Management Area) area to protect data recorded on the recording medium from unwanted overwriting or erasing, the RMA being separate from a lead-in area of the recording medium; and prohibiting writing of data on the recording medium according to the write protection information, wherein a plurality of identical write protection information is stored in physically separate locations.

Regarding claim 2, the prior art of record considered as a whole fails to teach or fairly suggest the following underlined feature:

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A recording medium satisfying a DVD-R specification to record data, including an entire user data area or at least a plurality of particular data files, the recording medium comprising: a Lead-in area; a Lead-out area; and the user data area, wherein write protection state information is recorded and is selectable between write protection states, and wherein, upon completion of finalization for writing on the Lead-in area and the Lead-out area, the recording medium is set to a write protection state ensuring protection of the data recorded on the recording medium from unwanted overwriting or erasing, the write protection state information being stored in an area separate from the Lead-in area of the recording medium.

Regarding claim 5, the prior art of record considered as a whole fails to teach or fairly suggest the following underlined feature:

A write protection method for a recording and/or reproducing apparatus for a recording medium satisfying a DVD-R specification, comprising a Lead-in area, a Lead-out area: and a user data area, comprises write protection state information that is selectable between write protection states, and the recording medium is set to a write protection state ensuring protection of data, comprising including an entirety of the user data area or at least a plurality of particular data files,

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recorded on the recording medium from unwanted overwriting or erasing when the finalization for writing on the Lead-in area and the Lead-out area has been completed, the write protection state information being stored in an area separate from the Lead-in area of the recording medium, the write protection method comprising: checking the state of the recording medium; and prohibiting writing of data on the recording medium when the state of the recording medium is a write protection state.

Regarding claim 13, the prior art of record considered as a whole fails to teach or fairly suggest the following underlined feature:

A recording medium to record data comprising:
a user data area; and an information area having write protection information, wherein the recording medium is configured to store at least two write protection information in RMD (Recording Management Data) fields of an RMA (Recording Management Area) area to protect the data recorded on the recording medium from unwanted overwriting or erasing, the RMA being separate from a lead-in area of the recording medium.

The features indicated above, in combination with the other elements of the claims, are not anticipated by, nor made obvious over, the prior art of record.

Response to Remarks

10. Applicant's Remarks filed on July 13, 2010 have been fully considered. Regarding Claim 8 and 9, Applicant states that the prior art of Braithwaite does not teach that the write protection state information is stored in an area separate from the Lead-in area of the recording medium (page 10 of the Remarks, third paragraph). With respect to the prior art of Braithwaite's Fig. 4, the track area 72 includes a password (column 6, lines 10-20). In addition, the current protection mode is recorded in area 72 as byte number 1. The password and the current protection mode recorded in track area 72 can be considered as Applicant's write protection state information.

Regarding to Claim 12, Applicant states that present Application is a divisional application of the parent 6'744,713 patent and therefore a double patenting rejection is not permitted. In this case, the present Application is a continuous of US Patent 6,741,535 which is a division of the 6,744,713 patent. However, the present claimed subject matter is not a result of restriction when filing the present Application. In fact, Claim 1 of the '713 parent patent teaches all the medium structure of the present Claim 12 and therefore the present Claim 12 is rejected under the nonstatutory double patenting.

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11. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Kim CHU whose telephone number is (571) 272-7585 between 9:30 am to 6:00 pm, Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa Nguyen, can be reached on (571) 272-7579.

The fax number for the organization where this application or proceeding is assigned is (571) 273-8300

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished application is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9191 (toll free).

/Kim-Kwok CHU/

Examiner AU2627
May 19, 2011
(571) 272-7585

/HOA T NGUYEN/

Supervisory Patent Examiner, Art Unit 2627